PGCPB No. 07-106 File No. 4-06132

R E S O L U T I O N

WHEREAS, a 6.9992-acre parcel of land known as Parcel 131, Tax Map 36 in Grid A-4, said property being in the 20th Election District of Prince George's County, Maryland, and being zoned C-O; and

WHEREAS, on December 11, 2006, IPDS, LLC filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 1 lot; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-06132 for Graces' Office Park was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on May 10, 2007, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on May 10, 2007, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type I Tree Conservation Plan (TCPI/60/06), and further APPROVED Preliminary Plan of Subdivision 4-06132, Grace's Office Park, including a Variation from Section 24-121 for Lot 1 with the following conditions:

1. Prior to signature approval of the preliminary plan, a revised, signed NRI shall be submitted that reflects the correct acreage associated with the amount of existing woodland in the 100-year floodplain. All site statistics shall be addressed and the relevant documents, including the NRI, FSD text, and TCPI shall be corrected as deemed necessary so that all plan acreage quantities are consistent. This shall include, but not be limited to, the following: gross tract area, net tract, existing woodlands on the net tract and within the 100-year floodplain.

2. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain all of the Patuxent River Primary Management Area, except for approved areas of impacts, and shall be reviewed by the Environmental Planning Section prior to approval. The following note shall be placed on the plat:

> "Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed."

3. Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams or Waters of the US, the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been compiled with, and associated mitigation plans.

4. Prior to signature approval of the preliminary plan, the TCPI shall be revised as follows:

   a) In the specimen tree table address the following information: the proposed disposition of the two trees at post development, including comments and/or special preservation treatments recommended for specimen tree two.

   b) Below the specimen tree table include a statement regarding how the two trees were located (field or survey located).

   c) Show a corresponding symbol in the legend for all other woodland treatment areas. Label all other woodland treatment areas for their intended purpose as reflected in the worksheet.

   d) Label each proposed woodland treatment area to the closest 1/100th of an acre.

   e) On sheet one of two identify the 30-foot sewer easement as existing or proposed and do not count easement areas toward the woodland conservation requirement.

   f) Label the area of proposed road dedication along MD 564 and exclude this area as counting toward on-site preservation.

   g) Update the revision boxes on both sheets of the plan to include the initial revisions.

   h) After these revisions have been made, have the qualified professional who prepared the plan sign and date it.

5. Development of this subdivision shall be in conformance with an approved Type I Tree Conservation Plan (TCPI/60/06). The following notes shall be placed on the Final Plat of Subdivision:

   "This development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/60/06), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of The Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department."

6. The applicant shall provide a standard sidewalk along the subject site's entire road frontage of MD 564, unless modified by SHA.

7. At the time of final plat approval, the applicant shall dedicate a minimum of 50 feet from the center line of MD 564.

8. Prior to the issuance of any building permit, the following improvement shall be in place, under construction, bonded (or letter of credit given to the appropriate agency for construction), 100 percent funded in a CIP/CTP or otherwise provided by the applicant, his heirs, successors or assigns:

   MD 564 at MD 193

   - The applicant shall provide a second left turn along MD 564 subject to the approval of SHA.

9. Prior to the issuance of any building permit, the applicant shall conduct a signal warrant study at the intersection of MD 564 at site access with the two proposed buildings, and install said signal if deem to be warranted, or provide an alternate improvement as deemed necessary by SHA

10. Development shall be in conformance with the approved Stormwater Management Concept Plan, 29793-2006-00 and any subsequent revisions.

11. Any residential development of the subject property, other than one single-family dwelling, shall require the approval of a new preliminary plan of subdivision prior to the approval of any building permits.

12. Prior to the approval of the building or grading permits, a detailed site plan shall be approved by Planning Board for the review of the architecture, landscaping and transportation impacts.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.

2. The subject property consists of 6.99 acres of land in the C-O Zone. The property is located on Tax Map 36, Grid A-4, and is known as Parcel 131.

3. The subject property is situated along the southeast side of Lanham-Severn Road, approximately 4,000 feet southwest of its intersection with Greenbelt Road.

4. **Development Data Summary—**The following information relates to the subject preliminary plan application and the proposed development:

	EXISTING	PROPOSED
Zone	C-O	C-O
Use(s)	Vacant	Commercial Office [72,400 square feet] (19,200 square medical/professional office use and 53,200 square feet general office)
Acreage	6.99	6.99
Lots	0	1
Parcels	1	0
Public Safety Mitigation Fee		No

5. **Environmental**—There are regulated environmental features on-site including a stream that bisects the site from north to south, wetlands, 100-year floodplain and steep slopes associated with highly erodible soils. Based on year 2005 air photos, the site is approximately 82 percent in woodlands. Four soil series are found to occur at the site according to the Prince George's County Soil Survey. These include: Christiana Fine Sandy Loam (three types in this series), Keyport Silt Loam, Sunnyside Fine Sandy Loam (three types in this series) and Swamp soils. The Christiana and Keyport soils have K factors greater than 0.37. Both Christiana soils have development constraints associated with them in relation to building foundations. These soils are prone to high shrink-swell conditions and instability and the Swamp soils are prone to ponding conditions when building foundations are located on them.

   Noise from MD 564 and the adjacent railroad tracks would be an issue on this site if residential uses were proposed; however, the commercial use is appropriate for this site because the noise levels are within acceptable levels for this type of use. There are no designated scenic or historic roads located in the vicinity of this property. According to information obtained from the Maryland Department of Natural Resources-Natural Heritage Program staff, rare and threatened species are not found to occur in the vicinity of this property. According to the Countywide Green Infrastructure Plan, the site contains all three-network features: Regulated Areas, Evaluation Areas and Network Gaps. The site is in the Folly Branch watershed of the Patuxent River basin, the Glenn Dale-Seabrook-Lanham and Vicinity Planning Area and the Developing Tier as reflected in the General Plan.

   Master Plan Conformance

   The site is in Glenn Dale-Seabrook-Lanham and Vicinity Planning Area. The proposal to develop the site with commercial offices is consistent with the environmental guidance provided in the 1993 adopted plan. The plan recognizes sources of noise intrusion (i.e., railroads) in this planning area; however, due to the commercial use proposed, noise is not an issue.

Environmental Review

A staff signed Natural Resources Inventory (NRI/113/05) was included in the preliminary plan submittal. The preliminary plan and TCPI show conflicting information in comparison to the signed NRI regarding the acreage of existing woodland in the floodplain. The NRI Site Information table shows 0.70 acres of woodland in the floodplain; however, the TCPI worksheet and the preliminary plan show 1.61 acres, with the same floodplain feature delineated on all three plans. Revisions to the appropriate plans are necessary to show the accurate statistics associated with the site.

A Detailed Forest Stand Delineation (FSD) was conducted in August 2006. A total of three forest stands (Stands 1-3) were identified. Stand 1 totals 2.22 acres and is an over-mature stand of Virginia pine that is being succeeded by oaks and other hardwoods. Stand 2 totals 1.61 acres and consists of even-aged, mostly bottomland hardwoods in the vicinity of wetlands and on both sides of a stream that bisects the site from north to south. Stand 3 totals 1.92 acres and is an upland forest with Southern red oak as the dominant species. Two specimen trees were field located in Stand 2.

The site has all three network features associated with it as shown on the Countywide Green Infrastructure Plan: a Regulated Area, Evaluation Area and a Network Gap. Of these features, most of the site is within a designated Evaluation Area. The worksheet on the revised plans shows the existing woodlands total 5.75 acres and the site has a Woodland Conservation Threshold (WCT) of 15 percent or 0.81 acres. The site's woodland conservation requirement of 1.89 acres is proposed to be mostly met with off-site mitigation on another property (1.42 acres). A total of 0.47 acres of on-site preservation and 1.42 acres of off-site mitigation are proposed to meet the site's requirement.

The provision of most of the site's requirement at an off-site location is appropriate because the site is linear in shape and is situated between two existing modes of transportation that are man-made barriers to wildlife movement and woodland connectivity. The site is also zoned for commercial uses, consistent with the master plan, in a location that is not appropriate for residential uses due to the noise. The woodlands associated with the regulated features have a high priority for preservation and are shown to be preserved. Existing woodland within the 100-year floodplain will be preserved along with 0.47 acres of woodland outside the floodplain, which will result in about one-third of the woodlands on-site being preserved.

Prior to signature approval of the preliminary plan, a revised, signed NRI should be submitted that reflects the correct acreage associated with the amount of existing woodland in the 100-year floodplain. All site statistics should be addressed and the relevant documents, including the NRI, FSD text, and TCPI should be corrected as deemed necessary so that all plan acreage quantities are consistent. This should include, but not be limited to, the following: gross tract area, net tract, existing woodlands on the net tract and within the 100-year floodplain.

The site contains regulated environmental features: a stream, 100-year floodplain, wetlands and steep slopes associated with highly erodible soils. These features comprise the Patuxent River Primary Management Area (PMA) within the Patuxent River basin. The Patuxent River Primary Management Area (PMA) is to be preserved to the fullest extent possible as required in Section 24-130(b)(5) of the Subdivision Ordinance. The PMA delineation as shown on the signed NRI is shown correctly on the revised preliminary plan and TCPI.

A Letter of Justification dated April 10, 2007 has been submitted and reviewed. The Letter contains information describing two proposed PMA impacts in relation to two stormwater management pond outfalls. Generally, impacts to the PMA are only recommended for essential development features. Essential development includes such features as public utility lines (including sewer and stormwater outfalls), road crossings, etc., which are mandated for public health and safety. Non-essential activities are those, such as grading for lots, stormwater management ponds and parking areas, which do not relate directly to public health, safety or welfare.

PMA Impact Evaluation Analysis

Impact 1

Impact 1 is located on the southern-most of two proposed stormwater management ponds on the central portion of the site. This proposed impact consists of 335.64 square feet for the construction of a stormwater outfall pipe with rip-rap. The pipe will extend from the pond with the end portion impacting the PMA.

Impact 2

Impact 2 is located on the central portion of the site in relation to the northern-most of the two proposed stormwater management ponds. This proposed impact consists of 137.14 square feet for the construction of a stormwater outfall pipe with rip-rap. This pipe will also extend from the pond with the end pipe and rip-rap impacting the PMA.

The combined impact area of the two proposed PMA disturbances totals 472.78 square feet. The subject site contains a total of 83,593 square feet of existing PMA. The proposed disturbance in these two impacts represents a minimized quantitative impact, and as a result 99.5 percent of the PMA will be preserved in a natural state. The two proposed stormwater management pond outfalls are considered essential impacts for this development; therefore, these two proposed PMA impacts are supported.

At the time of final plat, a conservation easement should be described by bearings and distances. The conservation easement should contain all of the Patuxent River Primary Management Area, except for approved areas of impacts, and should be reviewed by the Environmental Planning Section prior to approval. A note detailing the restrictions of the conservation easements should be placed on the plat.

Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams or Waters of the US, the applicant should submit copies of all federal and state wetland permits, evidence that approval conditions have been compiled with, and associated mitigation plans.

The site is subject to the Prince George's County Woodland Conservation Ordinance because there are more than 10,000 square feet of existing woodlands on-site and the overall gross tract area exceeds 40,000 square feet. A revised Type I Tree Conservation Plan has been submitted and reviewed. In order for the TCPI to meet the requirements of the Woodland Conservation Ordinance, further revisions are necessary.

According to the revised TCPI, this site has a woodland conservation threshold (WCT) of 15 percent or 0.81 acres and a woodland conservation requirement of 1.89 acres. The revised plan shows this requirement to be met with 0.47 acres of on-site preservation and 1.42 acres of off-site mitigation on another property. The plan shows 4.35 acres of existing woodland to be cleared (or approximately 62 percent of the existing woodland). On the revised worksheet most of the site's requirement is proposed to be met with off-site mitigation on another property.

There are two specimen trees on the site that are to be reserved. The trunk of specimen tree 2 is located on the proposed edge of the limits of disturbance. Specimen tree 1 is also less than 100 feet from the proposed limits of disturbance. The specimen tree table does not include information regarding how the critical root zone of specimen tree two will be protected with special preservation treatments. In the specimen tree table the plan should address the following information in columns: proposed disposition of both trees, including comments and/or special preservation treatments recommended for both trees' critical root zones. Below the specimen tree table include a statement should be included regarding how these two trees were located (field or survey located).

The plan does not label the proposed woodland treatment type for the 0.47 acres of on-site preservation. Two other areas of existing woodland to remain at post development have not been identified and labeled with a corresponding symbol in the legend for the proposed woodland treatments. Because these treatments are reflected in the worksheet, each proposed woodland treatment area should be labeled on the plan and each treatment should be labeled to the closest 1/100th of an acre. A corresponding symbol for the two other proposed woodland treatment areas should be provided on the plan and in the legend.

It appears that an area along MD 564 is proposed to be dedicated; however, it is not clear on the revised plan where the proposed right-of-way dedication area is in relation to the proposed 0.47 acres of on-site preservation. The area of proposed right-of-way dedication along MD 564 should be labeled. No portion of proposed right-of-way dedication area can count toward a site's woodland conservation requirement.

The revision boxes on both sheets of the revised plan were not updated since the revisions were made to the plan. After these revisions have been made, have the qualified professional who

prepared the plan should sign and date it. Prior to signature approval of the preliminary plan, the TCPI should be revised.

Development of this subdivision should be in conformance with an approved Type I Tree Conservation Plan (TCPI/60/06). Notes detailing the Tree Conservation restrictions should be placed on the Final Plat of Subdivision.

There are two noise generators adjacent to the subject property: rail lines and MD 564, the latter source is an existing arterial road. Because the proposal is for commercial uses, and the levels of noise are not likely to exceed the threshold for employment uses, issues related to noise are not applicable. It should be noted that due to the proximity of the rail lines, vibration may be an issue. This should be addressed during the building permit review by the Department of Environmental Resources.

A signed copy of the approved Stormwater Management Concept Plan along with a Concept Plan Approval Letter has been submitted. The Concept Plan Approval Letter was issued on July 18, 2006. The DER case number associated with the Concept Plan is 29793-2006-00. Two stormwater management ponds are proposed along with bioretention for water quality controls.

The proposed locations of the two stormwater management ponds and their outfalls are shown on the Concept Plan. These proposed facilities are in the same general location on the revised TCPI along with the location of the two outfalls.

Water and Sewer Categories
The water and sewer service categories are W-3 and S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003 and the property will, therefore, be served by public systems

6. **Community Planning**—This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier. The proposal is to construct three buildings for office condominiums. The application conforms to the land use recommendation of the 1993 Approved Master Plan and Sectional Map Amendment for Glenn Dale-Seabrook-Lanham and Vicinity for commercial office, which retained this property in the C-O (Commercial Office) Zone.

   This application is located in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low-to moderate-density suburban residential development, distinct commercial centers, and employment areas that are increasingly transit serviceable.

7. **Parks**—In accordance to Section 24-134(a) of the Prince George's County Subdivision Regulations, the subject subdivision is exempt from mandatory dedication of parkland requirements because it consists of non-residential development.

8. **Trails**—The Folly Branch Stream Valley Park is located to the southeast of the site with existing

and proposed hiker-biker-equestrian trails. The Adopted and Approved East Glenn Dale Area Sector Plan recommends a master plan trail or sidepath along MD 564 (Sector Plan, page 33). The sidepaths are intended to provide opportunities for walking and bicycling in the study area for both recreation and some transportation trips. This trail has been implemented as an eight-foot wide concrete sidewalk along the north/west side of MD 564 along the frontage of the Eastgate Shopping Center. This is the opposite side of the road from the subject site's frontage. Due to this and the fact that the majority of the existing and planned residential development to be served by the trail is along the opposite side of MD 564, staff anticipates that the trail will be continued along the north side of MD 564 and does not impact the subject site. There are no sidewalks that currently exist that connect to the subject site's frontage of MD 564. However, where frontage improvements have been made west of the subject site, a standard sidewalk has been provided.

9. **Transportation—**The applicant submitted a traffic study dated March 2007. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by staff of the Transportation Planning Section, consistent with the Guidelines for the Analysis of the Traffic Impact of Development Proposals. The study identified the following intersections as the ones on which the proposed development would have the most impact:

EXISTING CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
MD 564 at Cipriano Road	D/1312	B/1080
MD 564 at Carter Avenue	A/872	D/1337
MD 564 at Site Access	-	-
MD 564 at MD 193	C/1210	D/1377

The traffic study identified ten background developments whose impact would affect some or all of the study intersections. Additionally, a growth rate of one percent per annum (for two years) was applied to the existing traffic counts at the subject intersections. A second analysis was performed to evaluate the impact of the background developments on existing infrastructure. The analysis revealed the following results:

BACKGROUND CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
MD 564 at Cipriano Road	D/1352	B/1137
MD 564 at Carter Avenue	A/896	D/1391
MD 564 at Site Access	-	-
MD 564 at MD 193	C/1309	E/1471

Using the Guidelines For The Analysis Of The Traffic Impact Of Development Proposals, the study has indicated that the proposed development of 19,200 square feet of medical office and 53,200 square feet of general office will be adding 161(139 in; 22 out) AM peak-hour trips and 171 (42 in; 129 out) PM peak-hour trips at the time of full build-out. A third analysis was performed, whereby the impact of the proposed development was evaluated. The results of that analysis are as follows:

TOTAL CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
MD 564 at Cipriano Road	D/1355	B/1149
MD 564 at Carter Avenue	A/902	D/1422
MD 564 at Site Access **	C/15.6 secs.	F/52.5 secs.
MD 564 at MD 193	C/1309	E/1486

** In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy.

In light of the results which indicated unacceptable levels of service at two of the intersections, the traffic study recommended the following improvements:

- At MD 564 at MD 193 intersection

  Construct a second left turn along westbound MD 564 at MD 193 of approximately 100 feet.

  Based on the proffered improvement, the following levels of service were determined:

TOTAL CONDITIONS with improvements		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
MD 564 at Site Access **	C/15.6 secs.	F/52.5 secs.
MD 564 at MD 193	C/1302	E/1450

** In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy.

While no specific improvements were proffered for the site access, it was acknowledged in the traffic study that a condition of approval involving a signal warrant study would be amenable to the applicant, despite the low probability of the intersection ever meeting the necessary warrants.

Staff review and comments:

Upon review of the applicant's traffic study, staff concurs with its findings regarding the adequacy of the intersections within the study area. Staff also concurs that a signal warrant study should be required for the site access with MD 564.
In addition to Transportation staff, the traffic study was also reviewed by DPW&T, as well as the State Highway Administration (SHA). Since all of the intersections within the study area are under the control of SHA, comments on the operations at those intersections were deferred to SHA by the staff at DPW&T. Regarding comments from SHA on the results of the traffic study, as of this writing, staff has not received any comments from that agency. While the applicant's proffered improvement would theoretically meet the required threshold for adequacy, it is not a certainty that such an improvement will be acceptable to SHA. Notwithstanding, a lack of input from SHA, staff will recommend a condition requiring the proffered improvements.

Master Plan Comments

The Glenn Dale-Seabrook-Lanham and Vicinity Master Plan (1993) lists Lanham-Severn Road (MD 564) as an arterial roadway within 100-120 feet of right of way.

TRANSPORTATION STAFF FINDINGS

The application is a preliminary plan of subdivision for a commercial development consisting of 19,200 square feet of medical/professional office use, and 53,200 square feet of general office use. The traffic generated by the proposed preliminary plan would impact the following intersections:

- MD 564 at Cipriano Road
- MD 564 at Carter Avenue
- MD 564 at Site Access (unsignalized)
- MD 564 at MD 193

Growth Policy—Service Level Standards

The subject property is located within the developing tier, as defined in the General Plan for Prince George's County. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better. Mitigation, as defined by Section 24-124(a) (6) of the Subdivision Ordinance, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the guidelines.

Unsignalized intersections: The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

All of the intersections are projected to operate adequately under total condition with the exception of:

- MD 564 at Site Access
- MD 564 at MD 193

At the intersection of MD 564 at MD 193, the applicant has agreed to provide an additional left turn lane, subject to SHA's approval. Such an improvement would provide adequate level of service. The unsignalized section of MD 564 at the site access is projected to operate with a delay of greater than 50 seconds per vehicle. In light of this, staff will require that a signal warrant study be for this intersection.

Section 24-121(a)(3) of the Subdivision Regulations require that "[w]hen lots are proposed on land adjacent to an existing or planned roadway of arterial or higher classification, they shall be

designed to front on either an interior street or a service road." The subject property has frontage only on the arterial roadway and has no possible access to either an interior street or a service road. Given this situation, the applicant filed a variation request pursuant to Section 24-113. The following represent the Ordinance text (**in bold**) and the staff comments on the required findings:

(a) Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific case that:

(1) The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property;

Because the 100-year floodplain bisects the property, a minimum of two access points are necessary. These access points have been located to be opposite existing public streets on the other side of MD 564. The granting of this variation will not be detrimental to the public safety, health, or welfare, or injurious to other property because the layout organizes the vehicular access to MD 564 in a way that simplifies vehicular circulation and the access points will need to be the subject of permits issued by the State Highway Administration (SHA).

(2) The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;

The subject site only has frontage along Lanham-Severn Road. There are no alternatives for other site access and this situation is not generally applicable to other properties.

(3) The variation does not constitute a violation of any other applicable law, ordinance, or regulation; and

With the issuance of permits by SHA, the variation is in conformance with all applicable law, ordinance, or regulations.

(4) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;

The applicant would not be able to develop the subject site without the approval for vehicular access. There is no alternative for vehicular access to the site.

For this reason, the staff support the variation to 24-121 for access to Lanham-Severn Road (MD 564) subject to only two points of access as described above.

Transportation Staff Conclusions

Based on the preceding findings, the Transportation Planning Section concludes that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved with conditions. The Transportation Planning Section supports the variation.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed the commercial subdivision plan application for a office condominiums on 6.99 acres for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Ordinance. The existing fire engine service at Glenn Dale Fire Station, Company 18 located at 11900 Glenn Dale Boulevard has a service travel time of 2.27 minutes, which is within the 3.25-minutes travel time guideline. The existing paramedic service at Glenn Dale Fire Station, Company 18 located at 11900 Glenn Dale Boulevard has a service travel time of 2.27 minutes, which is within the 7.25-minutes travel time guideline. The existing ladder truck service at Glenn Dale Fire Station, Company 18 located at 11900 Glenn Dale Boulevard has a service travel time of 2.27 minutes, which is within the 4.25-minutes travel time guideline. The proposed commercial development will be within the adequate coverage area of the existing fire/rescue facilities for engine and paramedic service.

11. **Police**—The proposed development is within the service area for Police District II Bowie. The approved 2002 General Plan addresses the provision of public facilities that will be needed to serve existing and future county residents. The Plan includes planning guidelines for police and they are:

Station space per capita: 141 square feet per 1,000 county residents

The police facilities test is done on a countywide basis in accordance with the policies of the Planning Board. There is 267,660 square feet of space in all of the facilities used by the Prince George's County Police and the latest population estimate is 825,520. Using the 141 square feet per 1000 residents, it calculates to 116,398 square feet of space for police. The current amount of space, 267,660 square feet is above the guideline.

12. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for school facilities in accordance with Section 24-122.02 of the Subdivision Regulations, CB-30-2003, and CR-23-2003 and concluded the above subdivision is exempt from a schools review because it is a commercial use.

13. **Health Department**—The Health Department reviewed the subject application and has no comments to offer.

14. **Stormwater Management**—Stormwater Management Concept Plan 29793-2006-00 was approved with conditions. Development of the site must be in accordance with this approved plan.

15. **Public Utilities Easement**—The applicant has shown the ten-foot public utilities easement on the preliminary plan as requested.

16. **Archeology**—A Phase I archeological survey is not recommended on the subject property. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. This property lies between Lanham-Severn Road and the Pennsylvania Central Railroad. However, the applicant should be aware that there are two prehistoric archeological sites (18PR407 and 18PR408), five Historic Sites (St. George's Chapel and Cemetery, Van Horn House, Kelly-Howerton House, Seabrook School, Seifert House), and one Historic Resource (Franklin Pierce House) within a one-mile radius of the subject property.

    Moreover, Section 106 review may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act requires Federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. This review is required when state or federal monies, or federal permits are required for a project.

17. **Historic Preservation**—The subject application for preliminary plan of subdivision has no effect on historic resources.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Eley, seconded by Commissioner Clark, with Commissioners Eley, Clark, Squire, Vaughns and Parker voting in favor of the motion at its regular meeting held on Thursday, May 10, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 5th day of July 2007.

R. Bruce Crawford
Executive Director

By Frances J. Guertin
Planning Board Administrator

RBC:FJG:IT:bjs